

**REMARKS/ARGUMENTS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-16 are pending in the present application. Claims 1-16 have been amended. Claims 1, 2, 5, 6, 9, 10, 13, and 14 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the amendments and the following Remarks.

**Allowable Subject Matter**

It is gratefully acknowledged that the Examiner considers the subject matter of claims 3, 4, 7, 8, 11, 12, 15, and 16 as being allowable if rewritten in independent form.

**Claim for Priority**

It is gratefully acknowledged that the Examiner has recognized Applicants' claim for foreign priority. In view of the fact that Applicants' claim for foreign priority has been perfected, no additional action is required from Applicants at this time.

**Rejection Under 35 U.S.C. § 102**

Claims 1, 2, 5, 6, 9, 10, 13, and 14 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,480,475 to Modlin et al. (hereafter Modlin). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As amended, claims 1, 2, 9, and 10 recite assigning bits of data obtained according to uniform data rate such that the data bits uniformly obtained during a given period is transmitted during the data transmission time of one period.

Also, claims 5, 6, 13, and 14 have been amended to recite reproducing data bits according to a uniform data rate, such that all of the bits reproduced during a given period are reproduced from data that was assigned to the data transmission time of one period.

Applicants respectfully submit that Modlin fails to disclose the aforementioned claim features.

**Synopsis of Modlin:**

Modlin teaches a data transmission system utilizing Time Division Half-Duplex functionality, in which each superframe is divided into a downstream transmission portion and an upstream

transmission portion (Fig. 2A; col. 8, lines 45-55; col. 9, lines 28-42).

According to Modlin, the data for transmission are organized as codewords, which are generated by error correction processing. Modlin is concerned with the delay that occurs when such codewords cross the boundaries of superframes. Modlin teaches that such crossings are a result of predetermined time gaps that occur between transmissions (upstream portion) and receptions (downstream portions) of data. See col. 6, lines 14-23.

In an attempt to solve this problem, Modlin teaches the insertion of dummy bits into the data stream before error correction coding is performed so that there will be an integer number of codewords inserted into each superframe. Also, after the error correction coding, Modlin discloses the insertion of dummy bits to ensure that each discrete multi-tone (DMT) symbol carries the same number of bits. See col. 9, lines 51-67.

**Modlin Fails to Disclose Each Claimed Feature:**

As discussed above, Modlin is only concerned with the type of delay that occurs when codewords cross the boundaries of superframes. Thus, Modlin only discloses assigning bits in such a manner that an integer number of codewords are transmitted in

each superframe. As such, Modlin provides no express teaching of assigning bits in such a manner that the uniformly obtained data bits of a given period are transmitted during the data transmitting time of one period of a uniform data rate, as required by independent claims 1, 2, 9, and 10.

Similarly, Modlin fails to teach that data bits are uniformly reproduced during a given period from data that was assigned to the data transmission time of one period, as required by independent claims 5, 6, 13, and 14.

At least for the reasons set forth above, Applicants respectfully submit that claims 1, 2, 5, 6, 9, 10, 13, and 14 are allowable over Modlin. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

### Conclusion

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

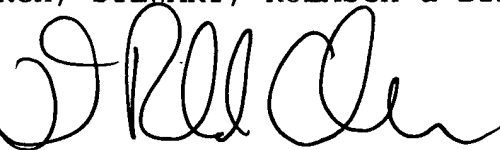
Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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